



Atty. Dkt. No. P65241 US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**Wolf-Georg FORSSMAN et al.**

Serial No.: 09/508,095

Group Art Unit: 1653

Filed: March 16, 2000

Examiner: C. Kam

For: BIFIDIOGENIC PEPTIDES

**RESPONSE**

Commissioner of Patents  
Washington, D.C. 20231

Applicants submits the instant paper in response to the Notice to Comply mailed  
November 20, 2001.

The Notice to Comply was mailed in error by the PTO. The Notice to Comply includes a  
"Raw Sequence Listing Error Report" for a sequence listing entirely different from the sequence  
listing in the instant application. The instant application contains only 16 sequences; whereas,  
the Raw Sequence Listing Error Report relates to a sequence listing containing 165 sequences.

Apparently, the PTO mixed up its files. While the Raw Sequence Listing Error Report  
relates to a sequence listing containing the Serial Number of the instant application, the Error  
Report relates to a sequence listing that was not submitted by Applicants. Applicants files show  
that a computer readable form of the sequence listing was submitted in compliance with the  
rules, and the error is entirely on the part of the PTO.

Applicants wish to thank Examiner C. Kam for the courteous consideration rendered their representative during telephone discussions on December 27 and 28, 2001. Applicants understand that Examiner Kam reported the Notice to Comply was a PTO error and that Applicants' Sequence Listing was in full compliance.

Since the Notice to Comply was issued due to a PTO error, no extension fee is necessary for submitting this paper, which merely points out to the PTO its error.

Favorable action is requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By: \_\_\_\_\_

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**Atty. Dkt. No. P65141US0**

**Date: December 28, 2001**

WEP/rdt

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